



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,232	05/25/2001	Dale Lowry	26530.57	3311

27683 7590 03/22/2004

HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

EXAMINER

TRAN, PHILIP B

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 03/22/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

PRC

Office Action Summary

Application N .

09/865,232

Applicant(s)

LOWRY ET AL.

Examiner

Philip B Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This office action is in response to the amendment filed on 12/30/2003. Claim 1 has been canceled. Claim 35 has been newly added. Claims 21-35 are presented for further examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-24, 26-31 and 33-35 are rejected under 35 U.S.C 102(e) as being anticipated by Monday, U.S. Pat. No. 6,480,860.

Regarding claim 21, Monday teaches a method for parsing in a distributed directory-enabled application environment using an eXtensible Markup Language ("XML") application program interface, the interface including a class factory, the method comprising accepting an XML file as an input stream, parsing the input stream, scanning the input stream for an object, determining whether the object references a system service, dynamically loading the service if referenced, dynamically configuring the service, and instantiating the object in the class factory, so that the service

referenced by the object in the XML stream is automatically available to the object (i.e., inputting XML document request, then parsing data request and bridging or binding objects for outputting) [see Figs. 2-4 and Abstract and Col. 7, Line 4 – Col. 8, Line 28 and Col. 9, Line 38 – Col. 10, Line 14].

Regarding claims 22-23, Monday further teaches the method of claim 21 including determining whether the service is available before dynamically loading and configuring the service and determining whether the service is already loaded before loading the service (i.e., determining if data type definition is existed for the requested data type) [see Col. 7, Lines 21-41].

Regarding claim 24, Monday further teaches the method of claim 22 including determining if the service is available, and defaulting the object to a document object model during instantiation in the class factory if the service is unavailable (i.e., if data type definition DTD is available then bridging or binding objects by identifying and invoking data access component corresponding to data request) [see Fig. 4 and Col. 7, Lines 42-67].

Regarding claim 26, Monday further teaches the method of claim 21 further including scanning the input stream for a plurality of objects. It is inherent that scanning input stream is performed before parsing step is carried out [see Col. 5, Lines 18-24 and Col. 7, Lines 4-30].

Regarding claim 27, Monday further teaches the method of claim 21 further including accepting a plurality of XML files as the input stream [see Figs. 2-4].

Claim 28 is rejected under the same rationale set forth above to claim 21. In addition, Monday further teaches at least one processor (110), at least one memory accessible to the processor (120), an application stored in a portion of the memory (124), and software for parsing an XML file for the application (i.e., bridge software 125) [see Fig. 1]

Claims 29-31 are rejected under the same rationale set forth above to claims 22-24.

Claims 33-34 are rejected under the same rationale set forth above to claims 26-27.

Claim 35 is rejected under the same rationale set forth above to claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 25 is rejected under 35 U.S.C 103(a) as being unpatentable over Monday, U.S. Pat. No. 6,480,860 in view of Lee et al (Hereafter, Lee) U.S. Pat No. 6,480,865.

Regarding claim 25, Monday does not explicitly teach the method of claim 24 further including determining if there is a suitable document object model, and defaulting the object to a highest available class during instantiation in the class factory if there is no suitable document object model. However, the use defaulting to the highest available class in the object tree is well-known in the art as disclosed by Lee [see Figs. 1-2 and Col. 10, Lines 35-67]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to default to the highest level of the object tree if there is no suitable document in the object model because it would have enabled instantiation of object class for invoking data objects.

Response to Arguments

6. Applicants have amended the claims to overcome the informal claim objections and thus objections to claims 5-7, 13, 24, 25 and 28 are withdrawn.

Applicant's arguments have been fully considered but they are not persuasive because of the following reasons :

Monday teaches a method for parsing in a distributed directory-enabled application environment using an eXtensible Markup Language ("XML") application program interface, the interface including a class factory, the method comprising accepting an XML file as an input stream, parsing the input stream, scanning the input stream for an object, determining whether the object references a system service, dynamically loading the service if referenced, dynamically configuring the service, and instantiating the object in the class factory, so that the service referenced by the object in the XML stream is automatically available to the object. For example, Monday teaches inputting XML document request, then parsing data request and bridging or binding objects for outputting. A bridge interprets the data request from the client in markup language format, bridge looks in association file to determine if a document type definition (DTD) exists for the requested data type, a suitable database query for the database is formulated corresponding to document type definitions (DTDs), and the data is then placed within a document for delivery in markup language format to the user [see Figs. 2-4 and Abstract and Col. 7, Line 4 – Col. 8, Line 28 and Col. 9, Line 38 – Col. 10, Line 14].

Claims 22-27 and 29-34 are dependent on independent claims 21 and 28, respectively. Therefore, claims 22-27 and 29-34 remain/stand rejected at least for the same reasons set forth above to independent claims 21 and 28.

Therefore, the examiner asserts that the cited prior arts teach or suggest the subject matter broadly recited in independent claims. Claims 22-27 and 29-34 are rejected at least by virtue of their dependency on independent claims and by other

reasons set forth above. Accordingly, claims 21-35 are respectfully rejected as shown above.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (703) 308-8767. The Group fax phone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (703) 308-6662.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

PBT
Philip Tran
Art Unit 2155
March 17, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER